IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.. 167 of 1987
Date of decision: 18.10.2006

Jagjit Singh and others ...Appellants

Versus

Smt. Krishna Devi and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL

Present: Mr. Maharaj Baksh Singh, Advocate,
for the appellants.

Mr. S.S. Aulakh, Advocate, for the
respondents.

K.S.GAREWAL, J.

Jagjit Singh has filed this appeal to seek enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Patiala, for the injuries suffered by him in a motor vehicle accident on November 24, 1985.

Jagjit Singh was the driver on the truck owned by Krishna Devi respondent No.1. On the date of accident at 7 a.m. he was driving the truck from Delhi to Jammu. En route near the Shambu barrier the truck over-turned and Jagjit Singh's left leg was crushed. Jagjit Singh's leg was later amputated from below the knee. The learned Tribunal recorded the finding in favour of Jagjit Singh and awarded him Rs. 1.25 lac as compensation,

vide award dated October 13, 1986. Jagjit Singh is now seeking enhancement of compensation through this appeal.

The only contention of the learned counsel for the appellants is as regard the assessment of compensation being on the low side. The learned Tribunal assessed Rs.20,000/- as compensation payable for shock, pain suffering and loss of amenities due to the amputation of the leg. Rs. 96,000/- was awarded for loss of earning (Rs. 5,000/- per month over a period of 16 years). Under special damages, the claimant was awarded Rs. 5500/- for permanent disability and Rs. 5500/- for the costs of artificial limbs procured from Pune. Thus a total sum of Rs. 1,24, 500/- (rounded off to Rs. 1.25,000/-) was awarded.

The accident had occurred in November 24, 1985 and the award of Rs. 1.25 lacs appears to be adequate and sufficient in monetary terms if considered in light of the value of money in 1985. This may sound to be low in 2006 but the assessment of compensation was done by the learned Tribunal in a proper and systematic manner by taking into consideration all relevant factors. There does not appear to be any reason for upward increase in compensation.

This appeal is, consequently, dismissed.

18.10.2006 **(K.S.GAREWAL)**
prem **JUDGE**